



***Town of Tyngsborough***  
*Zoning Board of Appeals*  
Town Hall-25 Bryants Lane  
Tyngsborough, MA 01879-1003  
(978) 649-2300, Ext. 115

**TYNGSBOROUGH ZONING BOARD OF APPEALS MINUTES**

**January 9, 2014**

**APPROVED**

Attachments:

1. Meeting Agenda
2. 77 Frost Rd. ZBA Application – 12/13/2013
3. 77 Frost Rd. Rd. Dept. Comments
4. 19 Norris Rd. Hearing Continuance Form – 1/9/14
5. 257 Middlesex Rd. Hearing Continuance Form – 1/9/14

Members Present: Robb Kydd, Vice Chairman  
Chris Mechalides  
Joe Polin  
Scott Bordeleau  
Pamela Berman, Administrative Assistant

Members Absent: Claire Cloutier  
Cheryl Bradley

**6:30pm** Meeting was called to order by Vice Chairman R. Kydd

**Public Hearing #1**

**77 Frost Rd. (M25, P2, L0)** – Request for a Variance from the requirements of Section 2.12.50 (lot area, frontage, front, side & rear setbacks), and a Special Permit under Section 2.15.24 to raze an existing home and construct a new 20' x 28' single family dwelling in an R-1 Zone. *Advertised in the Lowell Sun Thursday December 26, 2013 and Thursday January 2, 2014.*

**Abutters List Present and Complete**

**S. Bordeleau:** Motion to waive the reading of the abutters list.

**C. Mechalides:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

Application Presentation by Application/Designee

Applicant Peter Marlowe appeared before the Board. Mr. Marlowe explained that he intends to remove the existing home and build a new 20' x 28' home on the same footprint; however, he intends to rotate the design of the home so that the front entrance is facing Lemire Ave. and not Frost Rd. He went on to say that the existing stone wall will be removed and the yard will be cleaned up. An abutter from 6 Lemire Ave. asked if the existing well will be replaced. Mr. Marlowe indicated that he has no plans to replace the well. No additional abutters were present to speak for or against this project.

**J. Polin:** Motion to close the public portion of the hearing.

**S. Bordeleau:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

Open Discussion by the Board and Q&A to Applicant with Applicant responses

- Board members felt that this project was beneficial to the neighborhood and had no issues with the proposed plans.

Review Notes/Comments on Application from other Tyngsborough Departments

Building Commissioner: Appears to meet the spirit and intent of Zoning.

Board of Health: None

Planning Board: None

Assessor: None

Fire Dept.: None

Conservation Commission: None

Sewer Dept.: None

Highway Dept.: None

BOS: None

Tax Collector: None

**J. Polin:** Motion to grant a Variance under Section 2.12.50 of the Tyngsborough Zoning Bylaws for buildable lot area, frontage, front, side and rear yard setbacks for 77 Frost Road.

**S. Bordeleau:** 2<sup>nd</sup> the Motion

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

**J. Polin:** Motion to grant a Special Permit under Section 2.15.22 of the Tyngsborough Zoning Bylaws to raze existing structure and construct a new 20' x 28' single family home for 77 Frost Road.

**C. Mechalides:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

**Motion written as follows:**

**PETER MARLOWE – 77 FROST ROAD:** Assessors Map 25, Parcel 2, Lot 0; **APPROVE** a **Variance** from the requirements of Section 2.12.50 of the Tyngsborough Zoning By-Laws for square footage in an R-1 Zone, from required 65,000 sq. ft. to 5,072 sq. ft.; Frontage from the required 200 ft. to 108.67 ft.; Front Yard Setback from 30 ft. to 10.0 ft.; Side Yard Setback from 30 ft. to 21.0 ft.; and Rear Yard Setback from 30ft. to 18.5 ft.

Assessors Map 25, Parcel 2, Lot 0; **APPROVE** a **Special Permit** under Section 2.15.22 and Section 2.15.24 to raze existing structures, clear lot, haul out buildings and construct new 20'x 28' 2-story dwelling with approved setbacks as shown on plan view dated 12/11/13.

**Public Hearing #2**

**19 Norris Rd. (M18, P65, L0)** – Request for a Variance from the requirements of Section 2.12.50 (frontage) and a Special Permit under Section 2.15.22, 2.15.23 & 2.15.24 of the Tyngsborough Zoning By-Laws to re-construct a single family dwelling that was damaged by fire in an R-1 Zone. *Advertised in the Lowell Sun Thursday December 26, 2013 and Thursday January 2, 2014.*

The applicant submitted a letter requesting a continuance.

**C. Mechalides:** Motion to continue this hearing until February 13, 2014

**R. Kydd:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

### **Public Hearing #3**

**257 Middlesex Rd. (M20, P47, L0)** – Request for a Variance from the requirements of Section 2.12.50 (Front & Side Yard Setbacks) and a Special Permit under Section 2.15.22 of the Tyngsborough Zoning By-Laws for the construction of a new gas pump island and canopy over the gas pump island in a B-3 Zone. *Advertised in the Lowell Sun Thursday December 26, 2013 and Thursday January 2, 2014.*

The applicant submitted a letter requesting a continuance.

**R. Kydd:** Motion to continue this hearing until February 13, 2014

**J. Polin:** 2<sup>nd</sup> the motion

**In Favor:** 4 **Opposed:** 0

**Passes:** 4-0

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### **ADMINISTRATIVE**

1. Minutes

**C. Mechalides:** Motion to approve the minutes as written for December 12, 2013.

**J. Polin:** 2<sup>nd</sup> the motion

**In Favor:** 4 **Opposed:** 0

**Passes:** 4-0

2. New Business:

- Next meeting is scheduled for February 13, 2014

**7:00pm**

**S. Bordeleau:** Motion to adjourn

**C. Mechalides:** 2<sup>nd</sup> the motion

**In Favor:** 4 **Opposed:** 0

**Passes:** 4-0

Minutes respectfully submitted by  
Pamela Berman, ZBA Administrative Assistant